



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

ADMINISTRATOR'S MEMORANDUM

TO: Regional Offices and Water Allocation Section

FROM: Norman Young *NY*

DATE: November 5, 1979

RE: Definition of "Municipal"

"Municipal" as defined relative to beneficial use for the establishment of a water right includes domestic, irrigation, stockwater, fire protection, recreation, commercial, industrial, and any other water use incidental to the functioning of a city. The term identifies a "preferred" right in three ways:

- 1) A municipal right should not be quantified by rate of flow beneficially used at the time of examination, but rather by the capacity of the diversion works.*
- 2) A municipal right should not be limited by volume.
- 3) A sufficient description of place of use is:
"Place of use within city limits of CITY NAME." Note that as city limits are changed, the place of use of the municipal right would change, requiring no water right transactions.

These three preferences allow the city to increase water use under an existing right. A city need apply for an additional right only when the diversion rate capacity is increased above the existing right.

Due to the preferred nature of a municipal right, its use is restricted to the corporate limits of the municipality. This limitation is derived from the statutory basis of the preferred right concept. Only the city or its delivery agent, for example Boise Water Corporation, can obtain a municipal water right. Unincorporated cities, subdivisions outside of city limits and other users of common water systems must identify the separate uses of domestic, irrigation, commercial, etc., and identify the specific place of use.

*This quantification must be limited to a "reasonable" extent. For example, the diversion of an entire stream when only a small portion is beneficially used may not be reasonable.